

§ 617h. Lands capable of irrigation and reclamation by irrigation works; public entry; preferences

Lands found to be practicable of irrigation and reclamation by irrigation works and withdrawn under the Act of March 6, 1946 (43 U.S.C. 617(h)) shall be opened for entry, in tracts varying in size but not exceeding one hundred and sixty acres, as may be determined by the Secretary of the Interior, in accordance with the provisions of the reclamation law, and any such entryman shall pay an equitable share in accordance with the benefits received, as determined by the said Secretary, of the construction cost of said canal and appurtenant structures; said payments to be made in such installments and at such times as may be specified by the Secretary of the Interior, in accordance with the provisions of the said reclamation law, and shall constitute revenue from said project and be covered into the fund herein provided for: *Provided*, That all persons who served in the United States Army, Navy, Marine Corps, or Coast Guard during World War II, the War with Germany, the War with Spain, or in the suppression of the insurrection in the Philippines, and who have been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve, shall have the exclusive preference right for a period of three months to enter said lands, subject, however, to the provisions of section 433 of this title; and also, so far as practicable, preference shall be given to said persons in all construction work authorized by this subchapter: *Provided further*, That the above exclusive preference rights shall apply to veteran settlers on lands watered from the Gila canal in Arizona the same as to veteran settlers on lands watered from the All-American canal in California: *Provided further*, That in the event such an entry shall be relinquished at any time prior to actual residence upon the land by the entryman for not less than one year, lands so relinquished shall not be subject to entry for a period of sixty days after the filing and notation of the relinquishment in the local land office, and after the expiration of said sixty-day period such lands shall be open to entry, subject to the preference in this section provided.

(Dec. 21, 1928, ch. 42, §9, 45 Stat. 1063; Mar. 6, 1946, ch. 58, 60 Stat. 36; Pub. L. 94-579, title VII, §704, Oct. 21, 1976, 90 Stat. 2792.)

Editorial Notes

REFERENCES IN TEXT

Act of March 6, 1946 (43 U.S.C. 617(h)), referred to in text, probably means act Mar. 6, 1946, ch. 58, 60 Stat. 36, which amended this section and which authorized all lands of the United States found by the Secretary of the Interior to be practicable of irrigation and reclamation by the irrigation works authorized by the act of Dec. 21, 1928, ch. 42, 45 Stat. 1057, to be withdrawn from public entry.

The reclamation law, referred to in text, is defined in section 617k of this title.

AMENDMENTS

1976—Pub. L. 94-579 substituted “Lands found to be practicable of irrigation and reclamation by irrigation works and withdrawn under the Act of March 6, 1946 (43

U.S.C. 617(h))” for “Thereafter, at the direction of the Secretary of the Interior, such lands”, and struck out provisions authorizing withdrawal from public entry of all public lands found by Secretary of the Interior to be practicable of irrigation and reclamation by irrigation works authorized under the act of Dec. 21, 1928, ch. 42, 45 Stat. 1057.

1946—Act Mar. 6, 1946, struck out “or” before “Marine Corps” and inserted “or Coast Guard during World War II” after “Marine Corps,” and second proviso.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

References to Naval Reserve, other than references to Naval Reserve regarding the United States Naval Reserve Retired List, deemed to refer to Navy Reserve, see section 515(h) of Pub. L. 109-163, set out as a note under section 10101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1976 AMENDMENT

Pub. L. 94-579, title VII, §704(a), Oct. 21, 1976, 90 Stat. 2792, provided that amendment to this section striking out provision relating to withdrawal of public lands is effective on and after Oct. 21, 1976.

SAVINGS PROVISION

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

REPEAL OF PRIOR ACTS CONTINUING SECTION

Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal took effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

§ 617i. Modification of existing compact relating to Laguna Dam

Nothing in this subchapter shall be construed as modifying in any manner the existing contract, dated October 23, 1918, between the United States and the Imperial Irrigation District, providing for a connection with Laguna Dam; but the Secretary of the Interior is authorized to enter into contract or contracts with the said district or other districts, persons, or agencies for the construction, in accordance with this subchapter of said canal and appurtenant structures, and also for the operation and maintenance thereof, with the consent of the other users.

(Dec. 21, 1928, ch. 42, §10, 45 Stat. 1063.)

§ 617j. Omitted

Editorial Notes

CODIFICATION

Section, act Dec. 21, 1928, ch. 42, §11, 45 Stat. 1063, authorized Secretary of the Interior to make surveys and investigations to determine what lands in Arizona should be included in Parker-Gila Valley reclamation project and required him to make a report to Congress not later than Dec. 10, 1931.

§ 617k. Definitions

“Political subdivision” or “political subdivisions” as used in this subchapter shall be understood to include any State, irrigation or other